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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 KOLEEN GALLAGHER,

14 Plaintiff/
15 Judgment Creditor,

16 vs.

17 RICHARD JAMES. GALLAGHER,

18 Defendant/
19 Judgment Debtor

20 and

21 Beverly Gallagher, Person Representative
22 The Estate of Josephine Marie Gallagher
23 c/o Kevin Kinghorn
24 Kinghorn Heritage Law Group, PLC
25 3573 East Sunrise Drive, Suite 209
26 Tucson, AZ 85718

Executree/Garnishee.

NO. 4:17-MC-00005

**EXECUTEE/GARNISHEE ANSWER
AND AFFIDAVIT**

**(Rule 69, Fed. R. Civ. Pro;
A.R.S. §§12-1572 – 1597)**

State of Arizona)
) ss.
County of Pima)

1
2 1. I am the above named Executtee/Garnishee or am authorized by the
3 Executtee/Garnishee to make this affidavit on their behalf, regarding the Writ of
4 Execution served on Executtee/Garnishee on 12/15/17.

5
6 2. The Executtee/Garnishee was X was not__ indebted to or otherwise in
7 possession of monies of the Judgment Debtors at the time the Writ was served.

8
9 3. The total amount of indebtedness or monies of the Judgment Debtors
10 in the possession of the Executtee/Garnishee at the time the Writ was served is
11 \$ unknown at this time, pending resolution of the Estate of Josephine Marie Gallagher.

12
13 4. The total amount of indebtedness or monies of the Judgment Debtor
14 withheld by the Executtee/Garnishee pursuant to the Writ is \$ _____.

15
16 5. The amount of indebtedness or monies of the Judgment Debtor not
17 withheld by the Executtee/Garnishee if \$ _____. Reason for not withholding is:

18
19 6. At the time the Writ of Garnishment was served upon Executtee/
20 Garnishee, Executtee/Garnishee did__ did not__ have possession of personal property
21 of the Judgment Debtor. If yes, describe each item, or group of items, of personal
22 property:

23
24 7. Please list all items of personal property withheld by the
25 Executtee/Garnishee pursuant to the Writ:
26

1 8. Based upon Executtee/Garnishee's knowledge, another person or entity
2 is ___ is not ___ indebted to the Judgment Debtor, or in possession of personal
3 property of the Judgment Debtor. If yes, give names and addresses:
4

5
6 9. If Executtee/Garnishee is a corporation, Judgment Debtor now, or at
7 the time the Writ was served, has ___ does not have ___ any stocks, bonds, options
8 or other interest in the Corporation. If yes, state the NUMBER AND TYPE of
9 shares owned by the Judgment Debtor, and a DESCRIPTION of any other interest
10 the Judgment Debtor owns in the Executtee/Garnishee Corporation as of the date the
11 Writ was served, as shown on the Corporation's records:
12
13

14 10. If Executtee/Garnishee answered "YES" to either question #2 or #6,
15 copies of the Writ and Summons, underlying Judgment, Notice to Judgment
16 Debtor, and Request for Hearing were delivered to Judgment Debtor on
17 _____ by ___ hand delivery, ___ regular first class mail
18 to the address determined to be the best calculated to reach the Judgment Debtor in
19 a timely manner, or ___ service pursuant to the Rules of Civil Procedure applicable
20 to a Summons.
21
22

23 11. Copies of this Answer were delivered on _____ to the
24 Judgment Debtor, the Judgment Creditor, or Judgment Creditor's attorney, if
25
26

1 applicable, by ___ hand delivery, ___ regular first class mail to the address
2 determined to be the best calculated to reach the Judgment Debtor in a timely
3 manner, or ___ service pursuant to the Rules of Civil Procedure applicable to a
4 Summons, at the following address:
5

6 12. Executtee/Garnishee 's name, mailing address and telephone number is:
7
8

9 13. I have read the foregoing document and know of my own knowledge
10 that the facts stated therein are true and correct.
11

12 WHEREFORE, Executtee/Garnishee prays that Executtee/Garnishee be
13 discharged on this Answer and that the Court award Executtee/Garnishee reasonable
14 compensation in the amount of \$ _____.
15

16 _____
17 Signature of Executtee/Garnishee or
18 Authorized Agent

19 SUBSCRIBED AND SWORN on _____
20

21 Notary Public

22 Attorney's Name, Address, Phone
23 Mark E. Chadwick
24 Munger Chadwick, P.L.C.
25 333 N. Wilmot, Suite 300
26 Tucson AZ 85711
(520) 721-1900